IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.829 OF 2006

Vipor Chemicals Pvt. Ltd. .. Petitioner.

V/s.

Union of India & Others .. Respondents.

Mr.V. Shreedharan with Mr.Bharat Raichandani i/b. M/s.PDS Legal for the petitioner.

Mr.R.V. Desai, senior counsel with Mr.Y.R. Mishra i/b. Dr.T.C. Kaushik for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 7TH APRIL, 2006.

P.C. :

After arguing the writ petition for some time, the learned counsel for the petitioner prays for withdrawal of the writ petition with liberty to the petitioner to contend before the concerned authority that the interest shall be levied only upto three months from the date of expiry of bond as held by the Supreme Court in the case of Kesoram Rayon V/s. Collector of Customs, Calcutta [1996 (86) E.L.T. 464 (S.C.)].

2. We find the prayer made by the learned counsel for the petitioner reasonable. The writ petition is allowed to be withdrawn.

3. Needless to say that the present writ petition arises out of petitioner's application for waiver of interest under Section 61 which was made in anticipation before the interest was calculated by the concerned authority. Now, since the writ petition has been withdrawn, the issue of waiver of interest does not survive. In so far as the calculation of interest is concerned, needless to say that the concerned authority shall keep in mind the facts of the case and law including the judgment of the Supreme Court in the case of Kesoram Rayon cited supra.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)